

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

JEREMIAH MYERS and )  
CLARISSA MYERS, )  
 )  
PLAINTIFFS, )  
 )  
vs. ) Case No. 4:18-cv-00039-JEL-SKL  
 ) JURY DEMAND  
AJ CUNNINGHAM, CHARLIE WILDER, )  
and TRACY CITY, TENNESSEE, )  
 )  
DEFENDANTS. )

**STIPULATED ORDER**  
(RESCHEDULING DEPOSITION OF TINA PRATER)

This matter came on for hearing before the Honorable Judith E. Levy, United States District Judge sitting by Special Designation in the Eastern District of Tennessee on March 9, 2020. During a telephonic hearing, the Court heard the request of Tina Prater, who was to be deposed as a witness pursuant to prior order of Magistrate Judge Lee (Document No. 101). Ms. Prater was a prisoner in the custody of the Grundy County Jail whom the Plaintiffs sought to depose. Prior to the start of the deposition, Ms. Prater requested to have an attorney to advise her during the deposition. The Parties then sought a hearing due to Ms. Prater's position as a prisoner and lack of counsel.

The Court views Ms. Prater's request as a request for a continuance of the deposition so that Ms. Prater can seek counsel once released from the custody of the Grundy County Jail. Ms. Prater indicated her release date is April 1, 2020. The Court indicated to Ms. Prater that an attorney could not be appointed to her and that she would have to obtain her own counsel. Counsel for Plaintiffs indicated that his clients objected to the continuance due to the fact that, if Ms. Prater did not show up to the rescheduled

trial date and failed to appear at trial, then they would be prejudiced if not permitted to complete her deposition. The Court overruled this objection but emphasized that should Ms. Prater not show up to the rescheduled deposition, then Ms. Prater will be subject to contempt and possible arrest. The Court ordered the parties to submit a stipulated order which would continue the deposition and address the other related matters. Based on the argument of counsel, the stipulation of the parties, and the entire record, the Court grants Ms. Prater's request for a continuance of her deposition as follows:

**IT IS, THEREFORE, ORDERED** that the deposition of Ms. Prater shall be continued to April 17, 2020, at 10:00 a.m. (Eastern Time) to be held at the office of Watson, Roach, Batson & Lauderback, P.L.C., 900 South Gay Street, 1500 Riverview Tower, Knoxville, Tennessee 37902.

**IT IS FURTHER ORDERED** that the scheduling order is hereby amended and extended to the extent necessary to complete this deposition.

**IT IS FURTHER ORDERED** that Ms. Prater is required to attend this deposition whether or not she is able to obtain counsel or chooses not to have counsel present during the deposition.

**IT IS FURTHER ORDERED** that should Ms. Prater fail to appear at the deposition, the Court will hold a hearing, at which Ms. Prater must show good cause for failing to appear or be at risk of being held in contempt.

**IT IS FURTHER ORDERED** that the Parties shall serve a copy of the Order on Ms. Prater.

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United States District Judge  
Sitting by Special Designation

APPROVED FOR ENTRY,

**MOSELEY & MOSELEY**  
**ATTORNEYS AT LAW**

BY: /s/ James Bryan Moseley  
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**TIDWELL & ASSOCIATES**

By: /s/ W. Gerald Tidwell  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record by electronic mail via the Court's electronic filing system or through alternate means for anyone not a part of the electronic filings in this case:

Mark E. McGrady, Esq.  
211 7<sup>th</sup> Avenue, North, Suite 500  
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*Attorney for Defendants Cunningham  
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on this 17<sup>th</sup> day of March, 2020.

/s/ James Bryan Moseley  
James Bryan Moseley

Copy to: Tina Prater c/o Grundy County Jail